UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 13, 2009

Walter Waidelich, Administrator
California Division
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Subject: Draft Partially Revised Tier 1 Environmental Impact Statement/Environmental Impact Report for the Placer Parkway Corridor Preservation Project (CEQ #20070278)

Dear Mr. Waidelich:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document. Our enclosed detailed comments were prepared pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

This project is following the NEPA/Clean Water Act Section 404 Integration Process MOU (NEPA/404 MOU, enclosed), as modified for Tier 1 projects, so that decisions made in Tier 1 are consistent with the requirements of Clean Water Act (CWA) Section 404 permitting at the end of the Tier 2 process. Resolution of conflicts during the Tier 1 process will streamline the Tier 2 environmental review and permitting process. We commend the Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), and the South Placer Country Regional Transportation Authority (SPRTA) for engaging in this collaborative approach at Tier 1 and for your responsiveness to EPA's input throughout the NEPA/404 MOU process.

We previously provided comments on the Draft Environmental Impact Statement (DEIS) on September 25, 2007 (see attached). EPA's major area of concern with the DEIS was the lack of a quantitative analysis of the indirect impacts of the proposed project, including potential induced growth impacts to aquatic resources, special status species, and biological habitat. The DEIS concluded that the project will be growth inducing. We commend FHWA for the recognition of indirect impacts, particularly growth inducement, as a major issue for the project, and for the analysis of induced growth in the Partially

Revised DEIS. Additionally, we support FHWA's objective to avoid unplanned growth in environmentally sensitive areas.

While the Partially Revised DEIS includes a more robust analysis of induced growth impacts; EPA disagrees with some of the analysis assumptions and conclusions. First, we do not agree that potential induced growth impacts of the alternatives would be limited to within one mile of the roadway and potential interchanges. Some of the alternatives could have impacts at greater distances after Placer Parkway provides high-speed transportation access to southern Sutter County and southwestern Placer County, areas under intense growth pressure. Second, land within the 100-year floodplain should be considered "developable" within the analysis, because the 100-year floodplain has been extensively developed in the Sacramento Metropolitan Area historically and more development in the 100-year floodplain is planned in the future around the proposed Placer Parkway. Although development in the floodplain is discouraged, recent and historical development within floodplains has in fact occurred and continuation of these patterns is reasonably foreseeable.

EPA's continuing concerns with anticipated indirect effects as described above are further described in the enclosed detailed comments. These concerns, as well as impacts to air quality and hydrology, as discussed in our previous comment letter on the DEIS, are the basis for our rating of this Partially Revised DEIS as "Environmental Concerns-Insufficient Information (EC-2)". Please see the enclosed Summary of EPA Rating Definitions for a description of this rating. Responses to EPA's comments concerning air quality and hydrology were not discussed in this Partially Revised DEIS, so we have attached our September 25, 2007 DEIS comment letter to facilitate responses to these issues in the Final EIS.

Since publication of the DEIS and EPA's subsequent comments on that document, the NEPA/404 agencies have participated in a number of meetings to discuss the corridor most likely to contain the least environmentally damaging practicable alternative (LEDPA), the only alternative that can be permitted under the CWA Section 404. EPA and SPRTA staff members have scheduled a meeting for April 17, 2009 to continue working towards resolving the current disagreement regarding the corridor most likely to contain the LEDPA, as decided by agency management in the January 23, 2009 dispute resolution meeting. We look forward to the upcoming meeting as an opportunity to resolve the disagreement regarding the LEDPA now, and to avoid the need to resurface unresolved issues during the future Tier 2 environmental and permitting process. As stated in the NEPA/404 MOU, "If the lead agency chooses to eliminate in Tier 1 any alternative(s) likely to contain the LEDPA, there is a risk that the eliminated alternative(s) may need to be revisited in Tier 2."

We appreciate the opportunity to review this Partially Revised DEIS. Please feel free to call me at 415-972-3843 to further discuss the concerns raised in the enclosed detailed comments. When the Final EIS is released for public review, please send two copies to the address above (mail code: CED-2). Carolyn Mulvihill of my office (415-947-

3554; mulvihill.carolyn@epa.gov), and Erin Foresman of our Wetlands office (916-557-5253; foresman.erin@epa.gov) will continue to be available to coordinate with your staff in addressing our concerns.

Sincerely,

Enrique Manzanilla, Director
Communities and Ecosystems Division

Enclosures:
Summary of EPA Rating Definitions
NEPA/404 Agreement for Placer Parkway
EPA's Detailed Comments
EPA's September 25, 2007 DEIS Comment Letter

cc: Celia McAdam, South Placer Regional Transportation Authority
Katrina Pierce, California Department of Transportation
Nancy Haley, U.S. Army Corps of Engineers
Ken Sanchez, U.S. Fish and Wildlife Service
John Baker, National Marine Fisheries Service
Jeff Finn, California Department of Fish and Game
Mike McKeever, Sacramento Area Council of Governments
Loren Clark, Placer County Planning Department

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

EPA'S DETAILED COMMENTS ON THE PARTIALLY REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE TIER 1 PLACER PARKWAY CORRIDOR PRESERVATION PROJECT IN PLACER AND SUTTER COUNTIES, CALIFORNIA. MARCH 13, 2009

NEPA/404 INTEGRATION PROCESS HISTORY

In 2004 the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans), the Placer County Transportation Planning Agency (on behalf of the South Placer Regional Transportation Authority [SPRTA]), U.S. Army Corps of Engineers (Corps), and U.S. Environmental Protection Agency (EPA) agreed to follow a National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU) – modified for Tier 1 decision making – as the framework to guide the environmental review of the programmatic, Tier 1 Placer Parkway project (Parkway).[1] The goal of the modified NEPA/404 MOU process is to ensure that Tier 1 decisions reflect careful consideration of the Clean Water Act (CWA) Section 404 (b)(1) Guidelines (Guidelines), to eliminate the need to revisit decisions at the Tier 2 project-level analysis that might conflict with CWA Section 404 permit requirements. Resolution of conflicts during the Tier 1 process will streamline the Tier 2 environmental review and permitting process.

Since 2004, EPA and the Corps have been working with SPRTA, Caltrans, and FHWA through the NEPA/404 MOU process. The agencies successfully completed the first three concurrence points in the environmental review process: Purpose and Need, Selection Criteria, and Range of Alternatives to be evaluated in the Environmental Impact Statement (EIS). The next steps in the modified NEPA/404 MOU process are the following: 1) select the corridor(s) most likely to contain the "least environmentally damaging practicable alternative (LEDPA)," the only alternative that can be permitted under CWA Section 404, and 2) determine the general mitigation framework for the project.

Since the Guidelines require consideration of direct, secondary (indirect), and cumulative impacts when determining the LEDPA, EPA's comments on the Draft Environmental Impact Statement (DEIS) included a recommendation that FHWA perform a quantitative analysis of indirect impacts, including growth inducement and habitat fragmentation, and cumulative impacts. In response to EPA's comments on the DEIS, on June 24, 2008, FHWA submitted additional induced growth, habitat fragmentation, and cumulative impacts analyses and requested EPA and Corps concurrence that the Alternative 5 corridor is most likely to contain the LEDPA.

Corridor Most Likely to Contain the LEDPA

EPA, the Corps, and the U.S. Fish and Wildlife Service (USFWS), consider the Alternative 1 corridor most likely to contain the LEDPA because it minimizes the potential for aquatic resource impacts from urban development and fragmentation facilitated by the Parkway[2]. The proposed Parkway is a new freeway that crosses thousands of acres of undeveloped land to connect two major highways, State Route 99/70 and State Route 65. The new Parkway would provide express

[1] Modified NEPA/404 MOU Integration Process for the Tier 1 Placer Parkway Corridor Preservation Project, April 12, 2004.

[2] USFWS and California Department of Fish & Game (CDFG) letter to SPRTA, September 4, 2007; EPA Region 9 letter to FHWA, September 25, 2007; and EPA and Army Corps of Engineers letter to FHWA, August 14, 2008.

transportation access to a peninsula of undeveloped land under considerable growth pressure, bordered by the expanding urban footprint of the City of Roseville and other urbanizing areas in Placer and Sutter Counties.[3] The new Parkway would fragment the existing undeveloped landscape, including aquatic resources and wildlife habitat, by severing habitat connectivity and introducing a 14 to 16 mile high-speed transportation barrier to wildlife movement.

The area of undeveloped land surrounded by growth pressure, which would be accessed by a new freeway, increases with distance north of Baseline Road. The further north the Parkway is located, greater amounts of land and aquatic resources will be vulnerable to impacts from conversion of farmland and open space to urban uses. Areas south of the ultimate Parkway alternative will be particularly vulnerable to induced growth impacts because the land south of the Parkway will be surrounded on four sides by: 1) growth pressure from the Parkway, 2) expanding Placer County cities and unincorporated areas, and 3) Sutter County development. Growth pressure will exist north of the proposed Parkway alternatives, as a result of building the Parkway, but that growth pressure may be significantly less intense as development would not be surrounding the area on all sides, as it is in the area south of the alternatives.

The potential indirect aquatic resource impacts associated with development facilitated by the Parkway are considerably greater than the direct impacts associated with construction of the Parkway. The DEIS states that Alternative 1 would potentially impact 16 streams, 26 acres of wetlands and 123 acres of vernal pool complexes (including uplands). Alternative 5 would potentially impact 10 stream crossings, 28 acres of wetlands, and 124 acres of vernal pool complexes. Local planning information as well as state and federal environmental documents[4] identify approximately 12,000 acres of proposed urban development near Placer Parkway, with at least 210 acres of proposed impacts to aquatic resources including wetlands. In addition, there are hundreds of acres of vernal pool complexes on lands near the proposed Parkway alternatives that do not have current proposals for development but would be under growth pressure due to their proximity to urban areas and Placer Parkway. This information indicates that indirect impacts to aquatic resources from induced growth could be at least five times greater than direct impacts associated with construction of Placer Parkway[5].

EPA considers Alternative 5 to have greater potential to contribute to aquatic resource impacts from urbanization than Alternative 1 because there are more aquatic resources vulnerable to destruction from induced growth impacts associated with Alternative 5. Alternative 5 provides new, high-speed transportation access at the furthest distance from planned and existing development, in a relatively small area, and places greater amounts of land and aquatic

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[3] For information on how the location of a transportation facility can influence and direct growth, see Chapter 5, *Guidance for Preparers of Growth-related, Indirect Impact Analyses*; National Cooperative Highway Research Program (NCHRP) Report 423A, *Land Use Impacts of Transportation: A Guidebook*; and NCHRP Report 466, *Desk Reference for Estimating the Indirect Effect of Proposed Transportation Projects*.

[4] Local planning information includes general plans and geographic information systems files; state environmental documents include Environmental Impact Reports; and federal environmental documents include Clean Water Act Section 404 permit applications and pre-application materials.

[5] Vernal pool complexes include upland areas. Assuming 10% density of wetted acres within the complexes, Alternatives 1 and 5 would directly impact about 12 acres of vernal pools. Adding wetland impacts to wetted acre vernal pool impacts results in estimated direct impacts to aquatic resources ranging between 38 and 40 acres. The 210 acres of proposed indirect impacts to aquatic resources (from surrounding potential projects) is five times greater than the estimated 40 acres of direct impacts resulting from construction of the Parkway.

resources under intense growth pressure than Alternative 1. Undeveloped lands and aquatic resources south of the Placer Parkway alternatives are especially vulnerable to induced growth impacts because they would be surrounded on four sides by intense growth pressure from expanding urban development, associated infrastructure, and construction of Placer Parkway. There are 6,355 acres of undeveloped land, without proposed development plans, south of Alternative 5 while there are only 1,574 acres of undeveloped land, without proposed development plans, south of Alternative 1[6]. Similarly, there are approximately 1,000 acres of vernal pool complexes south of Alternative 5 while there are only approximately 215 acres of vernal pool complexes south of Alternative 1. The area between the two alternatives contains approximately 4,800 acres of undeveloped land and 785 acres of vernal pool complexes, which would be vulnerable to development and destruction from impacts induced, in part, by Alternative 5. Alternative 1 is more likely to contain the LEDPA than Alternative 5 because significantly fewer indirect impacts to aquatic resources would result from urban development facilitated, in part, by Placer Parkway.

EPA and the Corps consider the Parkway Alternative 1 corridor most likely to contain the LEDPA because it minimizes aquatic resource impacts from habitat fragmentation caused by the Parkway. Lands near the proposed Parkway corridors are a mosaic of agricultural fields, wetlands, vernal pools, streams, and floodplains. These lands work together to provide important wildlife foraging and nesting habitat and migration corridors for endangered and special status upland and aquatic species. Constructing the Parkway would fragment this landscape by creating a six lane, high-speed transportation barrier to wildlife movement and introduce 14 to 16 miles of urban edge along the freeway perimeter. USFWS consider habitat fragmentation one of the primary threats, second only to habitat destruction, to the endangered vernal pool fairy shrimp[7]. Locating the Parkway in the Alternative 1 corridor creates one small block of land south of the Parkway and one large block of land north of the Parkway, which maintains the greatest amount of habitat free of large transportation barriers and minimizes edge area impacts on aquatic wildlife and habitat. Potential impacts to wetlands, vernal pools, and aquatic species from fragmentation are substantially greater than direct impacts from constructing the Parkway. Alternative 1 is more likely to contain the LEDPA because it minimizes potential impacts to aquatic resources from habitat fragmentation.

Based on this information, EPA and the Corps responded to FHWA on August 14, 2008, jointly stating we do not concur that Alternative 5 is most likely to contain the LEDPA, and initiated informal dispute resolution. The first dispute resolution meeting was held on October 15, 2008 between management from the Corps, EPA, SPRTA, Caltrans, and FHWA. The Corps and EPA identified potential options for the project to move forward; however SPRTA rejected the proposals and FHWA requested formal agency elevation.

One of the options the Corps and EPA proposed at the October 15, 2008 meeting was a "modified" Alternative 5, in which the resource agencies could potentially concur that Alternative 5 is the corridor most likely to contain the LEDPA if the transportation agencies included avoidance of induced growth impacts as part of the alternative. This could be achieved through acquisition, designation of a conservation easement, or other methods of protection of valuable resource areas in

[6] Calculated using ArcMap 9.3 with satellite imagery (2006), Placer Parkway Alignment Shapefile (received from SPRTA 2008), Placer County vernal pool data (2002), and vernal pool data from CDFG (1997).
[7] USFWS (2005) Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon.

the vicinity of the proposed project. Solutions of this type are supported by Caltrans Guidance: "Purchasing access rights or conservation easements can prevent or minimize growth by limiting land accessibility and can help protect areas containing sensitive resources. Conservation easements also can be established to protect resources in perpetuity" [8]. While the specifics of this proposal, such as the amount of land or methods of protection have not yet been explored, these measures could be determined based on a number of factors, including the amount of valuable habitat area (such as wetlands or vernal pool complexes) between Alternatives 1 and 5, the amount of land in this area not currently planned for development, the proposed Placer County Conservation Plan map, and USFWS Vernal Pool Core Recovery Area.

On January 23, 2009, management from the Corps, EPA, USFWS, SPRTA, Caltrans, and FHWA met for a second dispute resolution meeting. At the end of this meeting, management decided to have staff of the various agencies meet to discuss the specifics of a potential modified Alternative 5. This meeting is scheduled for April 17, 2009.

Following the January 23rd meeting, FHWA published the Partially Revised Tier 1 Environmental Impact Statement/Program Environmental Impact Report (RDEIS). This RDEIS includes updates to various sections of the DEIS, including additional induced growth and cumulative impacts analyses requested by EPA in our comments on the DEIS. Our comments below are focused on these analyses.

RDEIS GROWTH INDUCEMENT ANALYSIS

In our September 25, 2007 DEIS comment letter, EPA stated the need to compare the direct, indirect, and cumulative impacts of the various alternatives in order to inform the selection of a corridor most likely to contain the LEDPA. We recommended that FHWA prepare a robust qualitative and quantitative analysis of indirect impacts, including habitat fragmentation and growth-related impacts to environmental resources, for each alternative, and provide supporting data. We recommended that FHWA provide a map overlaying aquatic and terrestrial resources and habitat boundaries with areas of existing and anticipated (planned and reasonably-foreseeable) growth. As we stated in our comments, it is important to include indirect, including growth-inducing impacts, in the alternatives analysis, because an alternative with greater indirect impacts, but fewer direct impacts, may be the LEDPA.[9]

We stated that, as the proposed Parkway is a major new freeway in a rural area with abundant aquatic and biological resources, and large areas of functioning habitat, the growth inducement associated with the Parkway will likely have significant adverse impacts to sensitive aquatic and biological resources, including habitat. All proposed Parkway alignments move through a large intact landscape of aquatic and upland habitat. Important natural resources in this landscape include vernal pool grasslands, wetlands, riparian corridors, and stream habitats. These resources provide habitat for federal- and state-listed endangered and threatened species, species of special concern, and other fish and wildlife integral to ecosystem balance and function.

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[8] *Guidance for Preparers of Growth-related Indirect Impact Analyses* prepared by Caltrans, EPA, and FHWA. http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm

[9] Chapter 2.3, *Guidance for Preparers of Growth-related, Indirect Impact Analyses*. http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm#cwadef

We had major concerns about the assumption, used throughout the DEIS, that the "no-development buffer concept" will prevent additional interchanges on and subsequent growth inducement near the Parkway. The DEIS stated that "adjustments" to the buffer could be made at Tier 2 to accommodate "future approved development." While the growth inducement analysis in the RDEIS assumes additional interchanges not included in the project description, and assumes that the "no-development buffer" would be eliminated, the project description in other sections of the RDEIS still includes this concept. The FEIS should clarify whether the buffer remains an element of the proposed project.

The DEIS concluded that the project will be growth inducing. We commend FHWA for the recognition of indirect impacts, particularly growth inducement, as a major issue for the project, and for the analysis of induced growth in the RDEIS. Additionally, we support FHWA's objective to avoid unplanned growth in environmentally sensitive areas. The analysis is more robust and quantitative than the majority of indirect impacts analyses provided in environmental documents, particularly at the Tier 1 phase.

Analysis Area and Methods

EPA recognizes the high quality of the RDEIS induced growth analysis; however we disagree with some of the analysis assumptions and conclusions. First, we disagree that the potential induced growth impacts of the alternatives would be limited to within one mile of the roadway and potential interchanges. The National Cooperative Highway Research (NCHRP) Report 466 *Desk Reference for Estimating the Indirect Effects of Proposed Transportation Projects* states "Development effects are most often found up to 1 mi around a freeway interchange, up to 2 to 5 mi along major feeder roadways to the interchange, and up to one-half mile around a transit station." The proposed project crosses and provides access to thousands of acres of undeveloped farmland and other natural resources that may be developed in the future. Some of this area has development plans proposed or that are in the process of obtaining local, state, and federal entitlements. Intense local growth pressure in the area surrounding the proposed Parkway strongly suggests that induced growth impacts could occur at distances greater than one mile from the proposed Parkway alignment.

The area adjacent to the proposed Placer Parkway, including southwestern Placer County, is under intense growth pressure. NCHRP Report 466 states that land availability, infrastructure availability, regional economy, and land use controls are all factors that influence growth pressure in an area. We understand land near Placer Parkway is farmland primarily owned by a variety of business and investment interests with a small amount of farmland owned and operated by individual farmers. Development projects are being proposed that will extend infrastructure (sewer, water supply, etc) into currently undeveloped areas, further intensifying growth pressure[10]. The Placer County General Plan supports growth in this area, identifying southwestern Placer County as a future study area for potential urban expansion. Sutter County is planning a large residential and industrial project, the Sutter Pointe Specific Plan, in the area that would be directly serviced by Placer Parkway. The Placer Parkway DEIS states (page 1-17) that population will double in the local project vicinity by 2040.

[10] "Investments in infrastructure such as roads, sewers and water supplies can be one of the most important drivers of urbanization, since infrastructure provides the essential framework for development." Heimlich, R.E.; Anderson, W.D., (2001), "Development at the Urban Fringe and Beyond: Impacts on Agriculture and Rural Land." USDA Agricultural Economic Report No. (AER803).

Observations of historic urban development patterns in the Sacramento Metropolitan Area, specifically in areas with intense growth pressure, such as Natomas, illustrate that when new infrastructure is provided (*e.g.*, I-80 bypass, levees, sewer lines, wastewater treatment, water supply) in undeveloped areas near existing development, development will eventually "fill in" all undeveloped areas that do not have legislated growth controls or other growth restrictions. As stated above, the area of undeveloped land that could be accessed by the location of the new Parkway increases with distance north of Baseline Road. The further north the Parkway is located, the greater amounts of land and aquatic resources are vulnerable to induced growth impacts. Based on these local land use observations, a more appropriate analysis for estimating induced growth impacts from Placer Parkway would include the area between a Parkway alternative and existing or planned development.

100-Year Floodplain and Definition of Potentially Developable Land

EPA does not agree that land within the 100-year floodplain should be completely eliminated from the areas considered "developable" within the induced growth analysis. "Developable" land was defined in the RDEIS induced growth analysis as land that is not currently developed, planned for development, or constrained by features such as habitat conservation areas, the 100-year floodplain, or major municipal facilities. Historically, 100-year floodplain areas have been extensively modified and developed in the Sacramento Metropolitan Area and across the nation. This development has occurred despite local, state, and federal laws, regulations, and restrictions designed to protect the 100-year floodplain from development and the financial impacts to local governments and citizens after flood events. EPA does not support or advocate for development within the 100-year floodplain, but provides the following examples near the proposed Parkway alignments to demonstrate that the assumption of "no development within the 100-year floodplain" used in the growth-related impacts analysis is not reasonable:

- All of the Natomas Basin is within the 100-year floodplain and it is extensively developed. The westernmost segment (approximately 2 miles) of the proposed Parkway would be built in a 100-year floodplain in the Natomas Basin.
- The Sutter Pointe Specific Plan in Sutter County is proposed to be built entirely within the 100-year floodplain.
- One of the projects currently being considered by the City of Roseville proposes to restrict the floodplain of Pleasant Grove Creek in order to build more housing. The City of Roseville is not objecting to this proposed floodplain modification.

Based on these examples, as well as the historic and current development being proposed in the 100-year floodplain, it is not appropriate to eliminate all or a majority of the 100-year floodplain from areas that are considered potentially developable.

Floodplain protection legislation passed in California in October 2007 restricts development in floodplains, however development is still allowed if there is an appropriate level of flood protection or the local flood management agency has determined that adequate progress towards flood protection has been made.[11] EPA considers 100-year floodplains important areas to protect and agree they should not be encroached upon with urban development. However, we do not see evidence that 100-year floodplains are currently being protected from urban expansion, or will be in

[11] http://www.legisweb.com/calm/model/Retrieve.asp?ref=urn%3Acalm%3A2007%3Aab0005%3Adoc%3Ahtml

the future, especially in the area of the proposed Parkway. Based on this fact, and the fact that much development of land in floodplains has occurred in this region, the majority of 100-year floodplain should be included as "developable land" in the induced growth analysis.

Including or excluding 100-year floodplain from the definition of potentially developable land makes a significant difference in the results of the RDEIS induced growth analysis. Alternative 5 is considerably more growth inducing than Alternative 1 if 100-year floodplain is included in the calculation of potentially developable land. Adding the areas of 100-year floodplain to the areas of potentially developable land (supplied in Table G-3 of the RDEIS) shows that there are 5,805.5 acres of potentially developable land within 1 mile of Alternative 1 while there are 7,813 acres of potentially developable land within 1 mile of Alternative 5. Alternative 5 has 2,007.5 more acres of potentially developable land than Alternative 1, and using FHWA's methodology, this indicates that Alternative 5 is more growth inducing than Alternative 1. We understand that the entire 100-year floodplain may not be developable (for example, stream beds); however, it is evident that excluding the entire 100-year floodplain from areas considered potentially developable significantly alters the results of the analysis and subsequent conclusions.

EPA stated in our comments on the DEIS that when evaluating differences between each corridor, it is important to consider resource avoidance options (e.g., elevated structures, bottomless culverts) that are available *within* each corridor, so as to not prematurely eliminate a potential LEDPA alignment. We continue to recommend that the FEIS include planning-level avoidance commitments for each alternative that will be considered, such as arched (bottomless) culverts and elevated roadway structures or spans.

Induced Growth Analysis Conclusions

EPA disagrees with many of the conclusions in the RDEIS induced growth analysis. First, we disagree with the conclusion that the growth inducing impacts of Placer Parkway are limited by the anticipated residential build-out of approved and proposed developments by 2040 regardless of Parkway construction. The CEQA documents describing environmental impacts and mitigation measures for three projects (Placer Vineyards Specific Plan, Regional University Specific Plan, and Sutter Pointe Specific Plan) that would be served by Placer Parkway include the construction of Placer Parkway as a measure to mitigate traffic impacts generated by these developments. Using Placer Parkway for traffic mitigation suggests that building the Parkway facilitates local developments that will be constructed before Placer Parkway construction.

Second, we are concerned that the growth inducement analysis may have been influenced by a pre-analytical assumption that there would not be substantial differences in growth inducement potential among the corridor alignments. The RDEIS states, "its [Placer Parkway's] growth inducement potential would be limited by a number of factors. These include…an assumption that there would not be substantial differences in growth inducement potential (and therefore in the potential for secondary and indirect impacts) among the corridor alignment alternatives." Assuming there will be minimal differences in growth inducement potential (and the subsequent secondary and indirect impacts to aquatic resources) among project alternatives before conducting the relevant analyses makes it more likely to come to the same conclusion that is stated in the RDEIS.

Third, for reasons stated above, we do not agree with the conclusion that the new quantitative analysis presented in the RDEIS supports the DEIS findings that the differences among

corridor alignment alternatives are not substantial in terms of their growth inducement potential or the conclusion that Alternative 5 would have the least impacts from induced growth.

Fourth, we do not agree with the conclusion that Alternative 5 will be a northern border for development as suggested in the RDEIS. Reason Farms, located north of Alternative 5, may provide a barrier for development adjacent to the Parkway alignment, but it is not adjacent to the entire length of the Parkway. The City of Roseville's plans for Reason Farms may also change. The Reserve Acquisition Areas identified in the proposed Placer County Conservation Plan (PCCP) are not inhibitors of growth north of the freeway as the PCCP is not an approved plan. The Reserve Acquisition Areas are identified in the draft PCCP map, regardless of the Placer Parkway route chosen. There are no other stated resource protections or growth controls in the Placer County General Plan or zoning code that support the conclusion that Placer Parkway Alternative 5 would be a barrier to growth north of the Parkway.

SECONDARY AND INDIRECT IMPACTS ON BIOLOGICAL RESOURCES ANALYSIS

The RDEIS analysis of secondary and indirect impacts on biological resources is based on the framework and results of the induced growth analysis. The RDEIS states that it considers a landscape-based approach, however only the impacts to biological resources within one mile of each of the alternatives are considered in the analysis. An analysis of a two-mile wide area of land is not a landscape based analytical design. An improved approach would evaluate resources and impacts from a broader perspective, and consider how the various alternatives would impact regional hydrology, ecosystems, and wildlife movement.

An analysis area of a one-mile radius buffer strip around the proposed Placer Parkway alignments is a linear analysis, rather than a landscape-based evaluation of impacts, and may underestimate the impact of habitat fragmentation on vulnerable resources. The analysis area should be broader to more accurately reflect the landscape impact of Placer Parkway on habitat and biological resources. For example, a simple landscape evaluation can be done by evaluating the size of habitat blocks (areas lacking urban or industrial land use) created by the construction of Placer Parkway. Alternative 1 maintains the greatest amount of habitat free of large transportation barriers and minimizes edge area impacts on aquatic wildlife and habitat by maximizing the size of one habitat block and minimizing the size of the other. On the contrary, Alternative 5 maximizes edge area by creating two habitat blocks closer in size. This simple analysis approaches fragmentation from a landscape level and is more reflective of impacts to biological resources from fragmentation than restricting the evaluation to a 1-mile buffer around the Placer Parkway alternatives.

We do not agree with the RDEIS conclusion that "the proposed Placer Parkway build alternatives would not substantially reduce the potential viability of the remaining habitat units available for key sensitive species in western Placer County." FHWA appears to base this conclusion on the "minimum habitat reserve area" determined by the PCCP 2004 Science Advisors Report[12] to be 200 acres for vernal pool complexes. Specifically, the statement that, "...,

[12] Brussard, P; F. Davis. J Medieros, B. Pavlik, and D. Sada; 2004. *Report of the Science Advisors: Planning Principles, Uncertainties and Management Recommendations for the Placer County Natural Communities Conservation Plan and Habitat Conservation Plan.*

conservation of these species [vernal pool fairy shrimp and tadpole shrimp] is less dependent on maintaining larger blocks of contiguous habitat" is in direct conflict with the 2005 USFWS Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (Recovery Plan). The Recovery Plan explains that as vernal pool species' populations become isolated, smaller patches of habitat have a higher propensity toward localized extinction events. Management of smaller preserves is also difficult because control methods for invasive plants, such as grazing and burning, are prohibited by size and isolation of preserves. The Recovery Plan states, "Limiting this size of a preserved area or preserving an area geographically isolated from other preserves could preclude the long-term conservation of the species;" and, "Minor fragmentation of vernal pool habitats may effectively serve as a seed, pollen, and pollinator dispersal barrier between adjacent sites for many of the plants covered by this recovery plan." These statements indicate that large blocks of contiguous habitat are important to the recovery of vernal pool ecosystems. The FEIS should be updated to include information from the Recovery Plan.

The DEIS and RDEIS state that Alternative 1 is more fragmenting than Alternative 5 because Alternative 1 has 6 more stream crossings than Alternative 5. We support efforts to minimize stream crossings and understand that additional crossings can sever or impair hydrological and biological connectivity. It is important to acknowledge and describe in the FEIS that there are stream crossing designs that provide wildlife and habitat connectivity and do not impair hydrological connectivity or destroy habitat linkages. We encourage FHWA and SPRTA to minimize impacts to streams and habitat connectivity by engineering crossings to maintain hydrologic function, habitat connectivity, and wildlife and fish passage.

Potential Placer County Conservation Plan Implementation

EPA's concerns regarding habitat fragmentation are reflected in our comments on the PCCP. It is responsible and appropriate for FHWA to consider and incorporate local conservation planning into the evaluation of Placer Parkway and its future location. We are pleased that PCCP is included in the RDEIS evaluation.

It is difficult to estimate induced growth and fragmentation impacts in the Development Transition Area (DTA) of the PCCP and provide analytical results meaningful to informing an induced growth and fragmentation analysis. Approximately 40% of the DTA is proposed for conservation which would eliminate these areas from potentially developable land. However, the PCCP does not identify the areas within the DTA that will be conserved. The DTA areas that fall within a one-mile radius of each Placer Parkway Alternative may have up to 40% less potentially developable land than reported in Tables G-7 and G-8.

A PCCP solution, which ensures protection of enough of the remaining aquatic resources in western Placer County to comply with the CWA Section 404(b)(1) Guidelines requirement for avoidance, would considerably reduce concerns about induced growth from Placer Parkway, other public infrastructure projects, and urban expansion. The current PCCP map endorsed by the Placer County Board of Supervisors proposes certain areas of Placer County to be part of Reserve Acquisition, Conservation, Development Transition, or Development Areas. However, EPA, the Corps, and other resource agencies reviewed PCCP maps identified in the January 23, 2007 Placer County Planning Department Staff Report to the Board of Supervisors and found that other PCCP alternatives (alternatives 2, 4, 6, and 7) were most likely to meet wetland protection requirements of the 404(b)(1) Guidelines, protect threatened and endangered species, and characterize a successful

natural resource reserve system[13]. PCCP Reserve Acquisition Areas, which EPA and other federal agencies support, include Reserve Acquisition Areas south of Alternative 5. The current PCCP map may result in considerably less avoidance of remaining aquatic resources and endangered species habitat. As a result, EPA and other federal agencies remain very concerned about potential induced growth impacts from Placer Parkway and other projects in the western Placer County area.

CUMULATIVE IMPACTS ANALYSIS

Given the magnitude of potential resource impacts in the vicinity of the proposed project (particularly to aquatic resources, species, and habitat), EPA recommended through our September 25, 2007 DEIS comment letter that FHWA prepare a robust cumulative impacts analysis that would 1) determine the resource study area for and the baseline condition of each resource of concern, 2) assess reasonably foreseeable changes to environmental resources over time, and 3) identify potential landscape-level mitigation opportunities.

The RDEIS contains an improved analysis of cumulative impacts, including quantitative information on historic degradation of aquatic resources and proposed impacts of future development. EPA disagrees with the conclusion that the project's impacts on these resources would be "low." The analysis only considers the percentage of resource areas that would be directly impacted by the Parkway, rather than including the area that would be impacted by the Parkway's induced growth impacts. Cumulative impacts are the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (CEQ Regulations, Part 1508.7). If both direct and foreseeable indirect impacts were considered, the percentage of potentially impacted resource areas would be much larger. In addition, the past declines in resources, which the analysis recognizes, make protection of remaining resources critical, and provide the context behind why these impacts are significant.

PREFERRED BLUEPRINT SCENARIO AND PLACER PARKWAY

The Greenhouse Gas Emissions section of the RDEIS states that the Placer Parkway project is included in the Sacramento Area Council of Governments' Preferred Blueprint Scenario (Blueprint) and therefore, if built, would reduce greenhouse gas emissions in the region. While the route is identified in the Blueprint, "the transportation system which underlies the Blueprint Map is for educational purposes, and does not reflect a policy recommendation or decision by the Board."[14] We recognize that the Blueprint is a framework to guide development decisions by local government and commend SACOG for promoting such a complete vision of future constrained growth and reduced vehicle-miles-traveled in the region. However, it is foreseeable that municipalities may or may not follow its guidelines, so environmental analyses need to consider and analyze the environmental impacts that would result from both a "Blueprint" scenario, as well as potential development scenarios that don't align exactly with the Blueprint Vision. We understand that some of the proposed developments in the vicinity of the Parkway alternatives and located in Placer County would be built at densities that do not meet the standards recommended by the Blueprint. If built, these developments would not accommodate the number of housing units needed

[13] August 14, 2007 letter from EPA Region 9 and Army Corps of Engineers to Placer County Board of Supervisors.
[14] http://www.sacregionblueprint.org/sacregionblueprint/the_project/discussion_draft_preferred_scenario.cfm.

in the area, and would necessitate more development in areas that the Blueprint proposed for non-urban uses. Because the potential exists for the Parkway to facilitate access to developments that both meet the Blueprint Vision, as well as developments that may not meet the Blueprint vision, the Parkway should not be characterized as being as integral part of the Blueprint, or a "smart growth" vision of the region.

We understand that SACOG is developing a more thorough assessment of aquatic resources in the SACOG region. This will supplement the Blueprint and allow for regional planning that accommodates growth while protecting aquatic resources at a landscape level.

Modification of the "National Environmental Policy Act/Clean Water Act Section 404 Integration Process for Surface Transportation Projects Memorandum of Understanding (NEPA/404 MOU)[1]"
for application to
the Placer Parkway Corridor Preservation Project
April 12, 2004

The NEPA/404 MOU integrates requirements of the Clean Water Act Section 404 permit process into the NEPA environmental review. This integration facilitates the preparation of the Section 404 permit application at the end of the NEPA process. While a Tier 1 evaluation will not result in a Section 404 permit application, the associated Tier 2 project will require a permit. Therefore, the NEPA/404 process is modified for Tier 1 to reflect decisions made at Tier 1, and to anticipate the permit application requirements at Tier 2. The NEPA/404 process for Tier 2 will follow the standard procedure outlined in Appendix A of the NEPA/404 MOU.

The goal of the modified NEPA/404 process for Tier 1 is to ensure that Tier 1 decisions reflect careful consideration of the 404(b)(1) Guidelines (40 CFR 230), which are binding, substantive regulations implementing the Clean Water Act. The Guidelines should be addressed as early as possible in the Tier 1 NEPA evaluation to eliminate the need to revisit decisions in Tier 2 that might otherwise conflict with 404 permit requirements.

The Tier 1 (modified) and Tier 2 (standard) NEPA/404 processes are similar in many respects. Both Tier 1 and Tier 2 NEPA/404 include five concurrence points[2]. The main difference between Tier 1 and Tier 2 NEPA/404 processes are the last two concurrence points. In Tier 2, the project proponent seeks agency concurrence on the "least environmentally damaging practicable alternative"(LEDPA) and the conceptual mitigation plan for the LEDPA. In Tier 1, however, the project proponent seeks agency concurrence on the alternative (corridor) *most likely to contain the* LEDPA, and on the *general framework* for mitigation. All other elements of the standard NEPA/404 process apply, unless otherwise indicated.

The Tier 1 modified NEPA/404 process includes five concurrence points:

1. Purpose and Need
2. Criteria for Selecting the Range of Alternatives
3. Range of Alternatives
4. Alternative(s) most likely to contain the LEDPA
5. Mitigation Framework

---

[1]Signed by Federal Highway Administration, Federal Transit Administration, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Transportation, Arizona Department of Transportation, Nevada Department of Transportation (1993).

[2]Concurrence/Non-Concurrence is described in Section VI of the NEPA/404 MOU.

These concurrence points are sequential, each one building upon and consistent with previous concurrences. Concurrence points #1 to #3 occur prior to completion of the Tier 1 Draft EIS. Concurrence points #4 and #5 occur prior to completion of the Tier 1 Final EIS. The NEPA/404 signatory agencies may agree to bundle concurrence points for purposes of review.

Concurrence Point #1: Purpose and Need

The Council on Environmental Quality regulations implementing NEPA call for a statement of purpose and need (40 CFR 1502.13). The Section 404(b)(1) Guidelines include a basic purpose (40 CFR 230.10(a)(3)) and an overall project purpose (40 CFR 230.10(a)(2)). For NEPA/404 integration, one statement of purpose and need should be developed to meet all requirements.

The NEPA purpose and need statement briefly specifies the underlying purpose and need of the proposed project. The NEPA document should explain the project need, and demonstrate the project's logical termini and independent utility.

The Section 404(b)(1) Guidelines basic purpose is a brief statement that assists regulators in determining whether a project is water-dependent. The overall project purpose is an elaboration of the basic purpose, and provides a more specific description of the purpose and need for the project.[3] The overall project purpose should be broad enough to allow for an appropriate range of alternatives that avoid special aquatic sites, as defined in the Section 404 (b)(1) Guidelines (40 CFR 230 Subpart E). "Avoidance alternatives" could include alternatives that do not require securing a new right-of-way, maximize use of existing infrastructure, implement congestion pricing, or adjust the project study area to include alignments that impact fewer aquatic resources.

Concurrence Point #2: Criteria for Selecting the Range of Alternatives

The project sponsor develops criteria for selecting a reasonable range of alternatives. If the number of potential alternatives generated is very large, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS.[4] The criteria can be used to screen out or narrow the range of alternatives that will be carried forward for analysis in the Draft EIS. For NEPA/404 MOU projects, environmental criteria should be applied so that each alternative can be ranked based on its impact to the aquatic ecosystem.

Two types of screening criteria that can be effective for Tier 1 decision making are "project purpose" and "fatal flaw" analyses. Under the Clean Water Act Section 404 (b)(1) Guidelines, an alternative may be eliminated from consideration in the Draft EIS if it does not meet the project purpose. Fatal flaws are unavoidable or unmitigatable impacts associated with an alternative that are so great that the project could never go forward.

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[3]For a discussion of basic purpose and overall project purpose, see Yocom, T.G., R.A. Leidy, and C.A. Morris. 1989. "Wetlands Protection Through Impact Avoidance: A Discussion of the 404(b)(1) Alternatives Analysis." Wetlands. Vol 9, No. 2, pages 283-297.

[4]Council on Environmental Quality's Questions and Answers about the NEPA Regulations, Question 1.b. (1981)

Concurrence Point #3: Range of Alternatives

The Range of Alternatives includes those alternatives that will be evaluated in the Draft EIS. For NEPA/404 projects, the range should include alternatives that avoid and minimize impacts to waters of the U.S. to the greatest extent possible. The range can include reasonable alternatives not within the jurisdiction of the lead agency, and a no-action alternative (40 CFR 1502.14 (c) and (d)).

— Tier 1 DEIS Circulation and Public Comment Period —

Concurrence Point #4: Alternative(s) most likely to contain the LEDPA

The U.S. Army Corps of Engineers cannot grant a CWA Section 404 permit to a Tier 2 preferred alternative that is not the LEDPA. Therefore, it is critical that any alternative likely to contain the LEDPA is not prematurely eliminated during the Tier 1 NEPA review. Although a Tier 1 landscape-level analysis may provide enough information to eliminate alternatives that would clearly have the *greatest* environmental impacts, the analysis may not be detailed enough to identify with certainty a *single* alternative that is likely to contain the LEDPA. If the Tier 1 analysis indicates that there are several alternatives likely to contain the LEDPA, and the lead agency does not want to prematurely eliminate any alternative likely to contain the LEDPA, then all of the alternatives likely to contain the LEDPA should be carried forward to Tier 2.

However, the lead agency can attempt to further narrow the range of alternatives likely to contain the LEDPA by performing additional analysis in Tier 1. Analytical tools could include:

- functional assessment of aquatic resources,
- photo-interpretation of aerial photos,
- spot surveys,
- delineations in selected areas of special significance,
- full delineation of waters of the U.S., or
- geo-referenced data points from delineations done for this or other projects.

If the lead agency chooses to eliminate in Tier 1 any alternative(s) likely to contain the LEDPA, there is a risk that the eliminated alternative(s) may need to be revisited in Tier 2.

Concurrence Point #5 – Mitigation Framework

The Tier 1 mitigation framework will describe in general terms the processes that the project sponsor will use to maximize opportunities for successful mitigation, including long-term mitigation and management of resources. The framework should identify:

1. Mitigation options available for creation, restoration, enhancement and preservation of aquatic resources (e.g., land dedication, acquisition of conservation easements, in lieu fees for acquisition, mitigation banks), and potential mitigation sites.

2. Opportunities to build upon existing or planned conservation efforts of other agencies and non-governmental organizations for the purposes of protecting and restoring large, intact landscapes.

3. Institutions and instruments for long-term management of mitigation sites.

— Tier 1 FEIS Circulation. Agency Comment Period. Tier 1 Record of Decision. —

Note: It is presumed that the Tier 2 project will follow the standard NEPA/404 MOU process.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

September 25, 2007

Gene Fong
Division Administrator
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Subject: Draft Tier 1 Environmental Impact Statement/Environmental Impact Report for the Placer Parkway Corridor Preservation Project (CEQ #20070278)

Dear Mr. Fong:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document. We understand that for this project, responsibilities for complying with the National Environmental Policy Act (NEPA) remain with the Federal Highway Administration (FHWA) and are not delegated to the State of California in the pilot program for NEPA delegation. Placer Parkway is identified as an "exception" project in the *Memorandum of Understanding (MOU) Between the FHWA and Caltrans Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program (June 2007)*. Our enclosed detailed comments were prepared pursuant to the NEPA, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

This project is following the NEPA/Clean Water Act Section 404 Integration Process MOU (NEPA/404 MOU), as modified for Tier 1 projects, so that decisions made in Tier 1 are consistent with the requirements of Clean Water Act (CWA) Section 404 permitting at the end of the Tier 2 project. We commend FHWA, Caltrans, and the South Placer Country Regional Transportation Authority for engaging in this collaborative approach at Tier 1 and for your responsiveness to EPA's input throughout the NEPA/404 MOU process.

Based on our review of the Draft Environmental Impact Statement (DEIS), we have rated the build alternatives as Environmental Concerns-Insufficient Information (EC-2). Please see the enclosed Summary of EPA Rating Definitions. EPA's major area of concern is the analysis of indirect (secondary) impacts of the Parkway, including potential growth-inducing impacts to aquatic resources, special status species, and biological habitat.

We are particularly concerned that the DEIS lacks a robust qualitative description and quantitative estimates of the Parkway's potential indirect impacts, including effects on sensitive resources due to growth inducement and habitat fragmentation. The DEIS appears

to exclude from analysis the indirect impacts of the planned and potential additional interchanges, such as the Watt Avenue interchange. Finally, the DEIS does not demonstrate how the "no-development buffer concept" will be implemented to prevent additional interchanges on the Parkway and to prevent near roadway development.

The enclosed detailed comments also provide recommendations related to the following: 1) cumulative impact analysis, 2) hydrology, floodplains, and water quality, 3) air quality, and 4) the hypothetical Land Use and Policy (smart growth) Scenario.

The next steps in the modified NEPA/404 MOU process are the following: 1) select the corridor(s) most likely to contain the "least environmentally damaging practicable alternative (LEDPA)," the only alternative that can be permitted under CWA Section 404, and 2) determine the general mitigation framework for the project. The CWA Section 404 (b)(1) guidelines require consideration of direct, secondary (indirect), and cumulative impacts when determining the LEDPA. We would like to offer our assistance to work with you on these NEPA/404 checkpoints.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact me or Nancy Levin, the lead reviewer for this project. Nancy can be reached at 415-972-3848 or levin.nancy@epa.gov.

Sincerely,

Connell Dunning

For Nova Blazej, Manager
Environmental Review Office

Enclosures:
Summary of EPA Rating Definitions
EPA's Detailed Comments
NEPA/Clean Water Act Section 404 Integration Process MOU Modified for Tier 1 (2004)

cc:
Celia McAdam, South Placer Regional Transportation Authority
Katrina Pierce, California Department of Transportation
Tom Cavanaugh, U.S. Army Corps of Engineers
Ken Sanchez, U.S. Fish and Wildlife Service
John Baker, National Marine Fisheries Service
Jeff Finn, California Department of Fish and Game

EPA'S DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE TIER 1 PLACER PARKWAY CORRIDOR PRESERVATION PROJECT IN PLACER AND SUTTER COUNTIES, CALIFORNIA. SEPTEMBER 25, 2007

Section I: Integration of Clean Water Act and National Environmental Policy Act Requirements

The Federal Highway Administration (FHWA) and the South Placer Regional Transportation Authority (SPRTA), the project sponsor, are using a tiered process for the National Environmental Policy Act (NEPA) analysis of the proposed Placer Parkway project. The goal for this Tier 1 (programmatic) Environmental Impact Statement (EIS) is to identify a corridor for future right-of-way preservation. The Tier 2 (project-level) EIS will identify a specific alignment for the Parkway within the corridor(s) identified in Tier 1. After Tier 2 project approval, but before project construction, the project proponent will need to obtain a Clean Water Act (CWA) Section 404 individual permit from the Corps.

The CWA Section 404(b)(1) Guidelines (Guidelines) are binding, substantive regulations that restrict CWA Section 404 permits to the "least environmentally damaging practicable alternative (LEDPA)." The Corps cannot grant a CWA Section 404 permit to a preferred project-level alternative that is not the LEDPA; therefore, it is critical that the LEDPA is not prematurely eliminated during the Tier 1 NEPA review.

In 2004 the FHWA, California Department of Transportation (Caltrans), the Placer County Transportation Planning Agency (on behalf of SPRTA), U.S. Army Corps of Engineers, and U.S. EPA Region IX agreed to follow a NEPA/CWA Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU) – modified for Tier 1 decision making – as the framework to guide the environmental review of the programmatic, Tier 1 Placer Parkway project.[1] The goal of the modified NEPA/404 MOU process is to ensure that Tier 1 decisions reflect careful consideration of the Guidelines. The Guidelines should be addressed as early as possible in the Tier 1 NEPA evaluation to eliminate the need to revisit decisions at the Tier 2 project-level that might otherwise conflict with CWA 404 permit requirements.

EPA has agreed with the first three checkpoints in the NEPA/404 MOU process – the purpose and need, criteria for selecting the range of alternatives, and the range of alternatives. The next steps in the process are the following: 1) select the corridor(s) most likely to contain the "least environmentally damaging practicable alternative (LEDPA)" and 2) determine the mitigation framework for the project.

Corridor(s) Most Likely to Contain the LEDPA

The Guidelines call for an analysis that compares the total impact – direct and secondary (indirect) – for each alternative. However, the Draft Environmental Impact Statement (DEIS) only includes direct impacts in the comparison of alternatives (e.g., Table 4.14-4). It is important to include indirect, including growth-inducing impacts, in the alternatives

[1] Modified NEPA/404 MOU Integration Process for the Tier 1 Placer Parkway Corridor Preservation Project, April 12, 2004.

analysis, because an alternative with greater direct impacts, but fewer indirect impacts (including growth-related impacts) can quality as the LEDPA.[2]

> ***Recommendation***
> In order to be consistent with the Guidelines, the alternatives analysis should compare the alternatives using both direct and indirect impacts to environmental resources of concern. Specific recommendations are included below in **Section II-A.**

In addition, when evaluating differences between each corridor, it is important to consider resource avoidance options (e.g., elevated structures, bottomless culverts) that are available *within* each corridor, so as to not prematurely eliminate a potential LEDPA alignment.

> ***Recommendation***
> Include planning-level avoidance commitments in the Tier 1 Final EIS (FEIS) for each alternative that will be considered in the LEDPA assessment, such as arched (bottomless) culverts and elevated roadway structures or spans.

Finally, given the magnitude of potential resource impacts, particularly to aquatic resources, species, and habitat, we recommend that FHWA prepare a robust cumulative impacts analysis at Tier 1 that will 1) determine the resource study area for and the baseline condition of each resource of concern, 2) assess reasonably foreseeable changes to environmental resources over time, and 3) identify potential landscape-level mitigation opportunities.

> ***Recommendation***
> Prepare a thorough cumulative impact analysis to sensitive resources affected by the project. Specific recommendations are included below in **Section II-B.**

Mitigation Framework
In the Tier 1 FEIS, FHWA should present the framework it will use to prepare the Tier 2 project-level detailed mitigation plan. The Tier 1 mitigation framework describes the processes that FHWA will use, and commitments it will make, to maximize opportunities for successful mitigation of environmental impacts associated with the construction and operation of the Parkway, including long-term mitigation and management of resources.

> ***Recommendations***
> Identify the following in the Tier 1 FEIS mitigation framework:
>
> - Mitigation options available for creation, restoration, enhancement and preservation (e.g., land dedication, acquisition of conservation easements, in lieu fees for acquisition, mitigation banks).
> - Potential mitigation sites.

[2] See Chapter 2.3, Guidance for Preparers of Growth-related, Indirect Impact Analyses. http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm#cwadef

- Opportunities to build upon existing or planned conservation efforts and to coordinate with other governmental and non-governmental agencies.
- Habitat types and approximate acres of impact. Special status species and critical habitat impacted. Discussion of buffer areas and habitat linkages that will be adversely affected and replaced.
- Institutions and instruments (e.g., established maintenance endowments) for long-term management of mitigation sites.

Section II: Indirect and Cumulative Impacts Analysis

A. Indirect and Induced Growth Impacts

The proposed Placer Parkway is a major new freeway in a rural area with abundant aquatic and biological resources, and large areas of undisturbed habitat. The DEIS recognizes that the proposed project will not only have significant direct impacts on these resources, but also that the project will be growth-inducing in southwestern Placer Country and southern Sutter County. The growth-inducement associated with the Placer Parkway will likely have significant adverse impacts to sensitive aquatic and biological resources, including habitat.

We commend FHWA for the recognition of indirect impacts, particularly growth inducement, as a major issue for the project, and for FHWA's objective to avoid unplanned growth in environmentally sensitive areas. EPA is concerned, however, that the DEIS does not contain an estimate, by alternative, of indirect impacts to sensitive environmental resources; and does not sufficiently describe and commit to measures that avoid and minimize growth-inducing impacts.

EPA also has major concerns about the assumption, used throughout the DEIS, that the "no-development buffer concept" will prevent interchanges additional interchanges on and growth near the Parkway.

i. Methodology and Scope of Analysis of Indirect Impacts

The DEIS concludes that the project will be growth-inducing. The next step in the indirect impact analysis is to assess the impacts to resources of concern and compare them by alternative. Caltrans has recently completed guidance, in concert with EPA and FHWA, to analyze growth-inducing indirect impacts of projects. We recommend using this guidance to determine the anticipated location of and quantify growth-inducing impacts the Final EIS.

The DEIS states that it is "not feasible to perform a detailed quantitative evaluation of these [indirect and secondary] potential impacts as specific design details of other future projects are not known," and that the effects are evaluated qualitatively. EPA believes that a more detailed qualitative and quantitative analysis of indirect impacts, especially induced growth impacts, to resources of concern can be provided in the FEIS. Detailed information exists for several major developments in the study area, including CWA jurisdictional delineations for Placer Vineyards, Curry Creek, Placer Ranch, and Sierra Vista specific plans. Additional delineations may be available prior to the FEIS. Placer

County and other agencies have complied detailed information on resources in the area that is readily available in a Geographical Information System (GIS) format.

The DEIS states that it is unlikely that the growth-inducing impacts of the project would differ from one alternative to another (Section 6.1.4) but does not provide data to support this conclusion. The potential growth-inducing impacts of the alternatives could vary significantly, depending on the location of the corridor, the interchanges, and their proximity to existing development. The northerly alternatives provide access to largely undeveloped areas facing intense development pressures, including areas around Sunset Boulevard West. The southerly routes provide access closer to existing and planned urban development. Corridor alternatives and interchange locations that direct growth to southern rather than northern areas of Western Placer County would likely have fewer growth-related impacts to environmental resources and result in less habitat fragmentation. [3]

Recommendations

Prepare a robust qualitative and quantitative analysis of indirect impacts -- including habitat fragmentation and growth-related impacts to environmental resources -- for each alternative, and provide supporting data:

- Use readily available quantitative information, such as Geographical Information System (GIS) databases and verified CWA delineations to prepare a quantitative estimate of secondary and indirect impacts. Include information from jurisdictional delineations for Placer Vineyards, Curry Creek, Placer Ranch, and Sierra Vista specific plans. Additional delineations may be available prior to the FEIS. Placer County and other agencies have complied detailed digitized resource information in the area that is readily available.
- Use the Caltrans' Growth Related Indirect Impacts Guidance to analyze the potential growth-inducing impacts of the project and to compare alternatives. It is available at http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm.
- Present a quantitative estimate of indirect impacts on each alternative in tabular form in Table ES-1. Also, provide a map overlaying aquatic and terrestrial resources and habitat boundaries with areas of existing and anticipated (planned and reasonably-foreseeable) growth.

ii. Implementation of a "No-Development Buffer Concept"

FHWA has proposed a 500-1,000 foot "no-development buffer concept" to prevent development and additional interchanges along the Placer Parkway. The DEIS states that this buffer would severely constrain growth-inducement from the Parkway project by preventing new access on the freeway, beyond the four to five planned interchanges. EPA

[3] For information on how the location of a transportation facility can influence and direct growth, see Chapter 5, Guidance for Preparers of Growth-related, Indirect Impact Analyses; National Cooperative Highway Research Program (NCHRP) Report 423A, Land Use Impacts of Transportation: A Guidebook; and NCHRP Report 466, Desk Reference for Estimating the Indirect Effect of Proposed Transportation Projects.

believes that the DEIS has not demonstrated that the "no-development buffer concept" would prevent additional interchanges and development within 500-1,000 feet of the roadway.

First, the DEIS states that "adjustments" to the buffer could be made at Tier 2 to accommodate "future approved development." These adjustments would allow development to the edge of the roadway (Section 2.2.4). In addition, the buffer could be created on just one side of the parkway, leaving the other side available for near roadway development. Given these qualifications to the buffer concept, EPA believes it is misleading to state that the buffer would prevent development near the roadway.

Second, the DEIS does not include assurances that the buffer would be successful in preventing additional interchanges and development near the roadway. The DEIS does not include an implementation plan or timeframe for adopting, implementing, and ensuring long-term effectiveness of a buffer. While the DEIS contains a list of potential land use controls (Section 2.2.4.2), it does not state how and when these measures will be implemented, or how likely they are to succeed. We recognize that FHWA does not have land use authority, and that an effective buffer will require land use decisions by parties other than FHWA. However, the FEIS should state whether relevant parties have agreed to implement measures to prevent development and interchanges on the Parkway, whether the public supports these changes, and whether funding is available to implement them. We recognize that measures could be particularly challenging to implement given the development pressure in southwestern Placer County.

If the buffer were able to prevent additional interchanges on the Parkway, the buffer could have environmental benefits by reducing access to areas with sensitive environmental resources. A 500-1,000 foot buffer could also provide public health benefits by minimizing air toxics impacts to residents and sensitive receptors. We note, however, that a "buffer" along the roadway edge would not be likely to provide habitat benefits, as suggested in the DEIS, since the roadway itself could significantly fragment habitat.

Finally, it appears that the boundaries of the "Central Segment" of the freeway in the DEIS have shifted approximately two miles west, as compared to previously adopted maps.[4] This change would appear to remove approximately two miles of roadway (from the Western Regional Sanitary Landfill Expansion Area to the potential Watt Avenue extension) from the no-development buffer area, providing no constraints on new interchanges in an undeveloped area facing considerable development pressure.

Recommendations

Describe and commit to a specific buffer implementation plan that will prevent development near the Parkway and interchanges in the Central Segment. Identify the following:

- specific actions that will be implemented and committed to by FHWA and/or other parties, such as easements and/or deed restrictions

[4] http://www.pctpa.org/placerparkway/library/5Corridor_Align_Alts_Tier1EIS-EIR_09-28-05.pdf

- responsible parties
- agreed-upon timeframes for completion of specific actions
- specific sources of funding that will be used to prevent near-roadway development and Central Segment interchanges on the Placer Parkway

If such an implementation plan cannot be provided in the Tier 1 FEIS and committed to in the Record of Decision, the Tier 1 FEIS should revise the induced growth analysis to reflect resource impacts that are likely to occur without an assured 500-1,000 foot buffer zone.

Clarify how the boundaries of the freeway segments have changed since EPA's agreement with the range of alternatives for the project (February 16, 2006). Discuss the rationale for expanding the Eastern Segment approximately 2 miles west to the potential Watt Avenue extension. Discuss the potential for additional interchanges in this area, and potential for increased growth-related impacts to environmental resources.

Include quantitative estimates of the indirect impacts, including induced growth impacts, of each alternative in tabular form in Table ES-1 or other summary impact matrix.

iii. Habitat Fragmentation

The DEIS does not adequately address adverse impacts associated with habitat fragmentation from proposed alignments and/or growth adjacent to the Parkway. All proposed Placer Parkway alignments move through a large intact landscape of aquatic and upland habitat. Important natural resources in this landscape include vernal pool grasslands, wetlands, riparian corridors, and stream habitats. These resources provide habitat for federal- and State-listed endangered and threatened species, species of special concern, and other fish and wildlife integral to ecosystem balance and function. Fragmenting these habitats with large urban infrastructure such as a new freeways and/or urban development exposes the remaining resources to myriad adverse impacts associated with isolation in a matrix of urban and suburban developments. At the same time, fragmentation precludes management options that mimic natural disturbance such as burning and grazing needed to maintain health, biodiversity, and productivity of these natural landscapes. Impacts to aquatic resources and endangered species habitat should be estimated for each of the proposed alignments and presented in a summary impact matrix in the FEIS.

Recommendations

Include an assessment of potential aquatic and terrestrial habitat fragmentation for each alternative corridor.

Compare the potential impacts of habitat fragmentation by alternative.

iv. Indirect Impacts of Interchanges

EPA is concerned that the DEIS analyzes only the direct footprint of the interchanges but does not include the indirect impacts. In order to determine the corridor(s) most likely to

contain the LEDPA, the analysis should include both direct and indirect impacts. New interchanges provide access and can facilitate growth, particularly in rural areas that are facing development pressure. The location of interchanges can direct growth to areas that may contain sensitive resources. Given the abundance of aquatic resources, open space, habitat, and farmland, the FEIS should identify not only the direct impacts, but the secondary and indirect impacts, including growth-inducing impacts of the interchanges (including a potential Watt Avenue Interchange).

In addition, the DEIS does not explain why the wetland preserve affected by the Watt Avenue Interchange Option 2 is "outside the scope of this study." If the interchange is part of the proposed project and has direct or indirect impacts on the preserve or other resources of concern, it is within the scope of the project study (40 CFR 1508.8).

Recommendations

Analyze both the direct and indirect impacts of project interchanges, including all potential Watt Avenue Interchanges and options.

Include the estimated indirect impacts of interchanges, including habitat fragmentation and growth-inducing impacts, in the analysis of the corridor(s) most likely to contain the LEDPA.

v. Additional Interchanges

The DEIS states that there will be no additional interchanges in the Central Segment. Since a proposed Watt Avenue Interchange is reasonably foreseeable, the FEIS should clearly state that there is likely to be at least one additional interchange – Watt Avenue Interchange – in the Central Segment. Further, given development pressures, other parties may propose to build interchanges in the Central Segment. For example, there could be "enormous pressure on the county to create one or more connections from the parkway to serve the [planned Regional] university.[5]" Finally, part of the Central Segment has been reclassified as the Eastern Segment (see **Section II-A-ii** above), which would have no apparent constraints to additional interchanges.

Recommendation

Clearly state that there is likely to be at least one additional interchange – Watt Avenue Interchange – in the Central Segment. Given development pressure, especially in the Eastern and Central Segments, discuss the potential that others would seek to build additional interchanges on the Parkway.

B. Cumulative Impacts Analysis

The DEIS includes a brief qualitative discussion of cumulative impacts for each resource area. Given the rapid urbanization in the area, we strongly recommend a more comprehensive analysis of cumulative impacts to resources of concern. We recommend using the Caltrans guidance on Cumulative Impact Analysis, co-developed by FHWA and U.S. EPA Region 9, as a framework.

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[5] Placer university land gift could net developer hundreds of millions. Sacramento Business Journal, March 2003, by Mike McCarthy.

The Council on Environmental Quality's regulations implementing NEPA define cumulative impact as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (40 CFR 1508.7)

For example, aquatic resources in western Placer County have been cumulatively affected by past actions and are likely to be adversely impacted by future development, including the proposed parkway. Historical impacts on aquatic ecosystems include California's rapid population growth and resulting losses of approximately 95% of the State's wetlands (Dahl, T.E., 1990) and up to 85% (Holland, Robert, 1978) of the vernal pools. According to estimates provided by the Placer County Planning Department, there are approximately 20,000 acres of vernal pool grassland habitat remaining in the western part of Placer County, a small fraction of historical distribution. The majority of this vernal pool habitat is located on private lands and vulnerable to permanent removal. Proposed development projects in western Placer County threaten at least half of these unprotected vernal pool grassland habitat areas. These projects include, but are not limited to the following: Placer Vineyards, Creekview, Sierra Vista, Placer Ranch, Riolo Vineyards, Regional University, Brookfield, Curry Creek, expansion of the western regional landfill, and portions of the City of Roseville's Retention Basin property.

We also recommend a robust cumulative analysis at Tier 1 because it allows FHWA and other stakeholders to identify early opportunities to avoid and minimize cumulative impacts to resources, and to identify landscape-level opportunities able to protect or restore environmental resources that may be cumulatively at risk.

Recommendations

Include a more robust cumulative impact analysis the FEIS. The Caltrans Cumulative Impact Guidance is a useful reference and is available at the following site: http://www.dot.ca.gov/ser/cumulative_guidance/approach.htm

Identify potential landscape-level opportunities to avoid, minimize, and mitigate cumulative impacts to resources of concern, including those that are outside of FHWA's authority. Specifically, in the FEIS, provide resource avoidance guidance for the preparation of the Tier 2 environmental documentation and identify measures that can be accomplished early, before the Tier 2 environmental review process is required.

Section III: Resource-Specific Comments

In addition to the major concerns listed above, we have resource-specific concerns regarding: A) hydrology, floodplains, and water quality, and B) air quality.

A. Hydrology and Floodplains, and Water Quality

EPA supports project elements, such as bridges and spans that would avoid environmental impacts. The DEIS states that, "As necessary, bridges would be used to span certain features and improvements such as…floodplains." (2.2.2) and that "[w]here creek crossings coincide with floodplain crossings, the road would be elevated on a bridge." The DEIS also states that "Culverts would be used at smaller creek crossings as appropriate depending on local conditions and permit requirements." We recommend that the Tier 1 FEIS include commitments to use avoidance features such as bridges, spans, and arched or bottomless culverts.

The description of the realignment of Steelhead Creek is unclear. For example, Corridor 1 is stated to cross 7,000 feet of Steelhead Creek longitudinally (page 4.11-15) potentially requiring realignment of Steelhead Creek that could cause substantial adverse impact to the resource. It is unclear from the DEIS whether all roadway alignments in the corridor would require 7,000 feet of creek realignment, or whether there would be opportunities to reduce the amount of creek realignment through the location of roadway alignments and/or additional avoidance measures.

A commitment to avoid impacts associated stream crossings using design options such as elevated structures and bottomless culverts are important aspects of identifying the alternative corridor(s) most likely to contain the LEDPA.

Recommendations

Include in the FEIS a description of which floodplain areas would likely be spanned as part of the Placer Parkway project, including a map of the elevated structures over the floodplain and an estimate of elevated road distances.

Provide information on how the creek realignment in Corridor 1 could be avoided or minimized.

Include in the FEIS a commitment to use measures to avoid resource impacts. In particular, commit to the following:

- Use newer technology culverts and less damaging culverts such as large bottomless or arched culverts.
- Span floodplains and major creek crossings to avoid impacts to aquatic resources.

The DEIS states that there are no streams within the Natomas Basin. We recognize that many natural streams in the Basin have been straightened and channelized in portions, but not for their entire courses. In Figure 2-2 the outside slope from roadway corridor to roadway buffer is shown as being a ratio of 4:1. The DEIS does not include a discussion of how the slope will be stabilized or maintained (e.g., vegetation or rock slope protection). Stabilizing slopes with native vegetation is recommended especially if this part of the roadway is built in waters of the U.S. Less steep slopes are preferred for long-term maintenance and reduction of potential future impacts to waters of the U.S. that could occur from steep slopes slumping into waterways.

Recommendations
Clarify the extent of streams and canals in the Natomas Basin.

Include a discussion of how the 4:1 slope from the roadway corridor to roadway buffer will be stabilized; and the feasibility of less steep slopes.

Ensure consistency with the Executive Order 13112 on Invasive Species. Include a commitment to use native vegetation and to reuse native soils in re-vegetation.

Add CWA Section 404 to the bulleted list of federal regulations applicable to hydrology and floodplains. (4.11.1.1)

B. Air Quality

i. Mobile Source Air Toxics

EPA commends FHWA for including a discussion of Mobile Source Air Toxics (MSAT) in the Tier 1 document. While this project is being constructed in a rural area, a large number of residential developments are planned in proximity of the Parkway. Many recent studies have examined the association between living near major roads and different adverse health endpoints. Several well-conducted epidemiologic studies have shown associations with cardiovascular effects, premature adult mortality, adverse birth outcomes, including low birth weight and size, and asthma-related respiratory symptoms in children. Several MSATs are classified as known and likely human carcinogens. Many studies have measured elevated concentrations of pollutants emitted directly by motor vehicles near large roadways. These elevated concentrations generally occur within approximately 200 meters of the road, although the distance may vary depending on traffic and environmental conditions. (See www.epa.gov/otaq/toxics.htm.)

Interim guidance on MSAT analysis for transportation is available from FHWA (February 2006). However, EPA disagrees with aspects of the guidance, including the use of a 150,000 annual average daily traffic (AADT) threshold for MSAT impacts. Traffic levels well below that threshold can result in public health impacts (Cal-EPA/CARB 2005) depending on proximity to the roadway.

We support the DEIS's use of the *Air Quality and Land Use Handbook: A Community Health Perspective, April 2005* (Cal-EPA/CARB, 2005) as a resource for assessing the potential MSAT impacts. The Handbook reflects recent science on near-roadway air impacts. The project's proposed 500-1,000 foot buffer, if achievable, would be consistent with the California Air Resources Board (CARB) recommendations for minimizing MSAT impacts of a highway with projected volumes of the Placer Parkway. The March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board (http://www.trb.org/NotesDocs/25-25(18)_FR.pdf) contains additional guidance on assessing MSAT emissions. In addition, procedures for toxicity-weighting, which EPA has found to be especially useful for the targeting of mitigation, are described in EPA's

Air Toxics Risk Assessment Reference Library. EPA is available to work with FHWA to evaluate the appropriate level of MSAT analysis for this project in Tier 2.

Recommendations

EPA recommends performing an analysis of potential MSAT impacts in Tier 2 to inform decision-making and avoidance, minimization, and mitigation options. When considering appropriate and useful levels of analysis, EPA recommends that the lead agency consider the following:

- The likelihood of and potential magnitude of the effect, including both the magnitude of emissions and their proximity to potential residential and sensitive receptors (e.g., schools, hospitals, day care facilities, and nursing homes;
- The severity of existing conditions;
- Whether the project is controversial and whether air toxics concerns have been raised by the public for this project or for other projects in the area in the past;
- Whether there is a precedent for analysis for projects of this type; and
- Whether the analysis could be useful for distinguishing between alternatives, informing design changes, and targeting mitigation.

ii. New 24-hour federal standard for PM2.5

Tables 4.9-1 incorrectly states the federal 24-hour National Ambient Air Quality Standard (NAAQS) for fine particulate matter with a diameter of 2.5 microns or less (PM2.5) as 65 micrograms per cubic meter (ug/m3). In December 2006, the revised 24-hour standard of 35 ug/m3 for PM2.5 became effective. While EPA has not yet designated areas as non-attainment for the new 24-hour standard for PM2.5, the FEIS should include the most recent monitoring data and assessment of potential PM2.5 impacts.

Recommendation

Correct the federal standard for 24-hour PM2.5 and include the most recent monitoring data and assessment of potential PM 2.5 impacts in the Final EIS.

SECTION IV: OTHER COMMENTS

A. Hypothetical Smart Growth Scenario

As part of the Tier 1 modified NEPA/404 MOU process, FHWA agreed to prepare a hypothetical Land Use and Policy – smart growth – scenario that would meet traffic demand without building a Parkway (FHWA letter to EPA, January 18, 2006). The analysis would incorporate tools to meet anticipated demand without a new freeway, even those that are outside the authority of the project sponsors or would require actions by municipalities or decision makers outside the Placer Parkway study area.

The NEPA/404 MOU partners agreed that this hypothetical scenario would not be a reasonable alternative for purposes of NEPA analysis. However, the scenario would illustrate to the public and decision makers the type and combination of activities that a

region might adopt to meet transportation demand in a rapidly growing area without building new freeways.

In the Mineta Transportation Institute Report 04-02[6], authors Johnston, Gao, and Clay demonstrate that a set of policy and land-use changes could be implemented within the SACOG region that would reduce vehicle miles traveled without building new freeways. This study includes policies such as fixed urban growth boundaries, increased transit, and pricing tools, such as gasoline taxes and parking fees. The scenarios in the study went beyond the assumptions made in current plans and the SACOG Blueprint Preferred Scenario.

The Land Use and Policy Scenario in the DEIS limits analysis to assumptions in current transit plans and the SACOG Blueprint, which includes two new freeways. In order to accomplish the goal of the Land Use and Policy Scenario (Section 2.6), FHWA would need to include transit, pricing, and smart growth tools that go beyond the assumptions made in current plans and the SACOG Blueprint, even if their implementation is speculative or funding is not available.

Recommendation
Revise the assumptions in the analysis as needed (e.g. urban growth boundaries, increased densities, congestion pricing, additional transit, etc.) to accomplish the goal of the hypothetical Land Use and Policy Scenario.

B. State Route 65 Auxiliary Lanes
Section 2.2.3.3 describes the ultimate configuration of the Placer Parkway/State Route (SR) 65 connection. It appears that the auxiliary lanes at State Route 65 are necessary for the full operation of the Placer Parkway, but they are not clearly identified in the DEIS as either part of the project or a connected action (40 CFR 1508.25(a)). It is unclear whether the environmental impacts of the auxiliary lanes on State Route 65 are included in the impact assessment for the Placer Parkway.

Recommendation
Include the direct and indirect impacts of all components of the project and connected actions, including the auxiliary lanes on SR 65, in the FEIS. Revise estimates of impacts to resources, as appropriate, and provide additional mitigation opportunities.

[6] Johnston, Gao, Clay (2005). Modeling Long-Range Transportation and Land Use Scenarios for the Sacramento Region, Using Citizen-Generated Policies. Mineta Transportation Institute Report 04-02. http://transweb.sjsu.edu/mtiportal/research/publications/summary/0402.html